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November 22, 2024

By ECF

The Hon. Gabriel W. Gorenstein  
 United States District Court  
 Southern District of New York  
 40 Foley Square  
 New York, NY 10007

Re: Cohen v. Action Network, et al.  
 No. 23-cv-10359-JPC-GWG

Dear Judge Gorenstein:

This office represents Defendant Netroots Nation in the above matter. Further to Section 2.A of the Court's Individual Practices, Netroots Nation writes to join the Letter Requesting Pre-Motion Conference submitted earlier today by counsel for Action Network et al. ("the Action Network Letter") (at ECF 60). Further to the Action Network Letter, Defendant Netroots Nation intends to move to dismiss Plaintiff's Second Amended Complaint ("SAC") under Rule 12(b)(6). Defendant Netroots Nation will work with other Defendants to consolidate any papers, which I hope explains the brevity of this letter on behalf of Netroots Nation.

Plaintiff names Netroots Nation in Count 2 (RICO), Count 4 (RICO), Count 6 (Conspiracy) and Count 7 (Sherman Anti-Trust Act). For the reasons set forth in the Action Network Letter, Netroots Nation joins in seeking a premotion conference in anticipation of moving to dismiss the four claims as alleged against Netroots Nation.

In addition, Netroots Nation will seek dismissal of these claims based upon a failure to plead facts to state a claim against Netroots Nation. In particular, the Court should know that Netroots Nation is a 501(c)(4) organization whose principal purpose is to host an annual in person gathering of progressive political activists. Plaintiff bases his claims against Netroots Nation almost exclusively on Netroots Nation's ministerial facilitation of the annual gathering and enforcing the annual convention's behavior guidelines, both of which are dissociated from the substantive contentions made in the SAC.

Respectfully submitted:



Nathaniel K. Charny

cc: All Counsel of Record (by ECF)  
 Plaintiff Josh Cohen (by email attachment to joshco@gmail.com)